

MINUTES OF THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

GMW FIRE PROTECTION, INC., vs. KANAG'IQ CONSTRUCTION COMPANY,
EX REL INC., ET AL

BEFORE THE HONORABLE TIMOTHY M. BURGESS
CASE NO. 3:05-cv-00170-TMB

DEPUTY CLERK/RECORDER: APRIL KARPER / LINDA CHRISTENSEN

APPEARANCES: PLAINTIFF: SARAH TUGMAN

DEFENDANT: THOMAS GINGRAS / LAURA GOULD

PROCEEDINGS: TRIAL BY JURY - DAY 3 HELD JANUARY 24, 2008:

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At 8:38 a.m. court convened without the jury panel present.

Court and counsel heard re jury instructions and witnesses.

Court and counsel heard re plaintiff's objections to the
admissibility of defendant's exhibits AF, P, and N.

Court and counsel heard re defendant's offer of proof re Steven
Frere.

Plaintiff rested.

Court and counsel heard re defendant's oral motion for directed
verdict re the claim against Western Surety Company as the
bonding company.

Court and counsel heard re defendant's oral motion for directed
verdict re waiver and ratification as affirmative defenses.

Court and counsel heard re defendant's oral motion for directed
verdict re GMW's claim against Kanag'iq on the issue of
underpayment.

At 9:17 a.m. court recessed until 9:36 a.m. without the jury
panel present.

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Court and counsel heard re defendant's oral motion for directed verdict re the claim against Western Surety Company as the bonding company; **DENIED.**

Court and counsel heard re defendant's oral motion for directed verdict re waiver and ratification as affirmative defenses; **DENIED.**

Court and counsel heard re defendant's oral motion for directed verdict re GMW's claim against Kanag'iq on the issue of underpayment; **DENIED.**

Court and counsel heard re special verdict forms.

Court and counsel heard re plaintiff's oral motion to withdraw the admission of defendant's exhibit AF; **DENIED.**

At 9:44 a.m. the jury panel entered the courtroom.

Plaintiff rested.

Jaimie Rae Thurman sworn and testified on behalf of the defendant.

Thomas Franklin Johnson Jr. sworn and testified on behalf of the defendant.

Glenn Floyd Johnson resumed the stand and testified further on behalf of the defendant. Defendant's exhibit A **IDENTIFIED** (previously admitted by stipulation).

Phillip Young sworn and testified on behalf of the defendant.

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At 11:03 a.m. court recessed until 11:19 a.m. without the jury panel present.

Court and counsel heard re jury instructions and special verdict forms.

At 11:21 a.m. the jury panel entered the courtroom.

Phillip Young resumed the stand and testified further on behalf of the defendant.

Raymond H. Hamilton sworn and testified on behalf of the defendant.

At 12:21 p.m. court recessed until 1:04 p.m. without the jury panel present.

Court and counsel heard re jury instructions.

At 1:39 p.m. the jury panel entered the courtroom.

Raymond H. Hamilton resumed the stand and testified further on behalf of the defendant. Defendant's exhibit AF **IDENTIFIED** (previously admitted by stipulation). Plaintiff's exhibit 10 **ADMITTED**.

William Jerald Jury Jr. sworn and testified on behalf of the defendant. Defendant's exhibit B **IDENTIFIED** (previously admitted by stipulation). Defendant's exhibit AG **IDENTIFIED**. Defendant's exhibit AH **ADMITTED**.

At 2:53 p.m. court recessed until 3:13 p.m. without the jury panel present.

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Court and counsel heard re jury instructions.

At 3:17 p.m. the jury panel entered the courtroom.

William Jerald Jury Jr. resumed the stand testified further on behalf of the defendant.

Chieko Jury sworn and testified on behalf of the defendant.

At 4:18 p.m. the jury panel exited the courtroom.

Court and counsel heard re witness/expert witness testimony and jury instructions.

At 4:30 p.m. the jury panel entered the courtroom.

At 4:31 p.m. the jury panel exited the courtroom to reconvene Friday, January 25, 2008 at 10:00 a.m.

At 4:32 p.m. court recessed this matter to reconvene Friday,
January 25, 2008 at 9:00 a.m.

DATE: January 24, 2008 DEPUTY CLERK'S INITIALS: amk